



Legislative BulletinMay 31, 2011

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H.R. 1954—To implement the President's request to increase the statutory limit on the public debt (Camp, R-MI)

Order of Business: The bill is scheduled to be considered on Monday, May 31, 2011, under a motion to suspend the rules and pass the bill.

Summary: The legislation increases the debt ceiling by **\$2.406 trillion**, from nearly \$14.3 trillion to **\$16.7 trillion**. No spending cuts or reforms are attached to the bill.

The President has requested a “blind” debt ceiling increase (one without any spending cuts or reforms attached). The purpose of considering the legislation, in this form, is to show that a debt ceiling increase cannot pass the House without spending restraints attached or accomplished elsewhere in advance.

Additional Background: The RSC has proposed a “cut, cap, and balance” solution to the debt ceiling impasse. The RSC proposal (signed by more than 90 Members at press time) proposes that in order to enact any debt ceiling increase, we must first:

1. Enact discretionary and mandatory spending cuts that would reduce the deficit in half next year;
2. Implement statutory, enforceable total-spending caps to reduce federal spending to 18% of GDP; and
3. Send to the states a Balanced Budget Amendment with strong protections against federal tax increases and including a Spending Limit Amendment.

For more information on the RSC plan, see www.cutcapbalance.com

RSC Bonus Fact: Not including the increase included in this legislation, the debt ceiling has increased six times since September 2007. The increase during this period amounts to \$5.329 trillion (from \$8.965 trillion to \$14.294 trillion). For more information on recent increases in the debt ceiling, see [here](#).

Committee Action: The legislation was introduced on May 24, 2011, and was referred to the Ways and Means Committee, which took no further action.

Possible Conservative Concerns: H.R. 1954 is being considered in the House to show the lack of support in the House for a debt ceiling increase that is not linked to spending restraint. The vast majority of conservatives would agree that any debt ceiling increase should be conditioned on meaningful spending cuts and reforms.

Administration Position: No Statement of Administration Policy is available. However, the legislation seems to be consistent with the Administration's general position on the debt ceiling.

Cost to Taxpayers: The legislation does not contain any tax or spending provisions. However, it accommodates a \$2.4 trillion increase in the national debt.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation would accommodate a \$2.4 trillion increase in the national debt without including any spending restraint.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: The sponsor states constitutional authority is derived from:

“Article I, Section 8, Clause 1—The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

Article 1, Section 8, Clause 2 of the Constitution gives the federal government the authority: “To borrow Money on the credit of the United States.”

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H.R. 1484 – Veterans’ Appeal Improvement Act of 2011, as amended (Filner, D-CA)

Order of Business: H.R. 1484 is scheduled to be considered on Tuesday, May 31, 2011 under suspension of the rules requiring two-thirds majority vote for passage.

Summary: H.R. 1484 amends current law (7104 of title 38, United States Code) to require a veteran appealing a benefit’s decision by the original Agency of Jurisdiction (AOJ) to directly submit new evidence in support of the veteran’s case to the Board of Veterans’ Appeals (BVA).

Additional Background: A veteran who files a claim for Department of Veterans’ Affairs (VA) benefits must submit evidence supporting the claim to the appropriate VA AOJ. The AOJ is responsible for rendering a decision based on the evidence, and the decision represents the initial judgment of the Secretary of the VA. Current law permits the veteran the opportunity to appeal a final AOJ decision to a BVA. However, any new evidence submitted in connection with the original claim (but not included in the original claim) must *first* be considered by the original AOJ unless the veteran affirmatively waives this right. This default requirement often delays the final appeal BVA judgment of claims.

Committee Action: H.R. 1484 was introduced by Department of Veterans’ Affairs Ranking Member Bob Filner (*D-CA*) on April 12, 2011. On May 3, 2011, the Subcommittee on Disability Assistance and Memorial Affairs held a legislative hearing on the bill, and on May 5, 2011, the Subcommittee reported the bill out (as amended) favorably by voice vote. On May 12, 2011, the Full Committee ordered the bill out of the committee by voice vote.

Administration Position: There is no Statement of Administration Policy (SAP) with regard to this bill.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a [cost estimate](#) for H.R. 1484 on May 16, 2011 estimating that implementing H.R. 1484 would cost \$2 million over the 2012-2015 period assuming the availability of appropriated funds. However, this CBO estimate analyzed the bill before the Manager’s amendment striking out a section (original section 3 of the bill text) that created a new commission to study veterans’ appeals process. According to the Committee on Veterans Affairs, the new bill (including the Manager’s amendment) does not spend any federal funds.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to the CBO [report](#), H.R. 1484 does not contain any new mandates.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The Committee report states that H.R. 1484 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in the Clause 9 of rule XXI of the Rules of the House of Representatives.

Constitutional Authority: The Constitutional Authority Statement submitted into the Congressional Record upon introduction of this bill states: “Congress has the power to enact this legislation pursuant to...the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.” This power is known as the “necessary and proper” power. It can only be relied upon as a legitimate constitutional authority if connected to another explicit Article I, Section 8 enumerated power. The Sponsor of this legislation has failed to cite the enumerated power that Article I, Section 8, Clause 18 relies upon.

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H.R. 802 – To Direct the Secretary of Veterans Affairs to Establish a VetStar Award Program (*Filner, D-CA*)

Order of Business: H.R. 802 is scheduled to be considered on Tuesday, May 31, 2011 under suspension of the rules requiring two-thirds majority vote for passage.

Summary: H.R. 802 amends title 38, United States Code, to require the Secretary of Veterans Affairs to create a VetStar award program to annually recognize businesses for their contributions to veterans’ employment.

Additional Background: According to the Committee on Veterans Affairs [report](#), veterans have experienced higher than normal unemployment rates during the current economic recession. The same report explains that U.S. Bureau of Labor Statistics data indicate that recent Gulf-War-era veterans have experienced unemployment rates above their non-veteran counterparts for several years.

The goal of H.R. 802 is to show the nation’s appreciation to employers who are acknowledging this problem facing veterans by recognizing those employers who “set an aggressive standard for hiring, retaining, and promoting veterans.” H.R. 802 directs the Department of Veterans Affairs (VA) to develop a low-cost, annual awards program that acknowledges businesses that excel at hiring veterans with awards (such as trophies and/or plaques). The VA will be responsible for creating the program requirements and selection process for awardees.

Committee Action: H.R. 802 was introduced by Department of Veterans’ Affairs Ranking Member Bob Filner (*D-CA*) on February 18, 2011. On May 3, 2011, the Subcommittee on Economic Opportunity held a legislative hearing on the bill, and on

May 5, 2011, the Subcommittee reported the bill out favorably by voice vote. On May 12, 2011, the Full Committee ordered the bill (as amended) out of the committee by voice vote.

Administration Position: There is no Statement of Administration Policy (SAP) with regard to this bill.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a [cost estimate](#) for H.R. 802 on May 16, 2011 estimating that implementing H.R. 802 would cost less than \$500,000 for additional personnel costs, the purchase of awards, and administrative supplies over the 2012-2016 period assuming the availability of appropriated funds.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill requires the VA to create a new award program recognizing businesses for their role in reducing the unemployment rate for veterans.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The Committee report states that H.R. 802 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in the Clause 9 of rule XXI of the Rules of the House of Representatives.

Constitutional Authority: The Constitutional Authority Statement submitted into the Congressional Record upon introduction of this bill states: “Congress has the power to enact this legislation pursuant to...Clause 18 of Section 8 of Article I of the Constitution.” This power is known as the “necessary and proper” power. It can only be relied upon as a legitimate constitutional authority if connected to another explicit Article I, Section 8 enumerated power. The Sponsor of this legislation has failed to cite the enumerated power that Article I, Section 8, Clause 18 relies upon.

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S.1082 – Small Business Additional Temporary Extension Act of 2011 (Landrieu, D-LA)

Order of Business: The bill is scheduled to be considered on Tuesday, May 31, 2011, under a motion to suspend the rules requiring a two thirds majority vote for passage.

Summary: S.1082 will extend by two months programs covered under the Small Business Act and Small Business Investment Act (SBIA) of 1958 through July 31, 2011. The Small Business Innovative Research Program (SBIR) and the Small Business Technology Transfer Program (STTR) are extended for four months until September 30,

2011. S.1083 also includes anti-earmarking language in Section 4, which seeks to preserve the competitive nature of the SBIR and STTR programs.

These acts have previously been extended numerous times, most recently in January 2011—they are now set to expire without reauthorization on May 31, 2011. Since 2009, the following extensions have been signed into law:

[H.R. 366](#) – extended from January 31, 2011 through May 31, 2011

[S.3839 \(amended\)](#) – extended from September 30, 2010 through January 31, 2011

[H.R. 5849](#) – extended from July 31, 2010 through September 30, 2010

[S. 3253](#) – extended from April 30, 2010, through July 31, 2010

[H.R. 4508](#) - extended from January 30, 2010, through April 30, 2010

[S. 1929](#) – extended from October 31, 2009, through January 31, 2010

[H.R. 3614](#) – extended from September 30, 2009, through October 31, 2009

[S. 1513](#) – extended from July 31, 2010, through September 30, 2009

[H.R. 1541](#) – extended from March 20, 2009, through July 31, 2009

Additional Information: The Small Business Act (SBA) established the Small Business Administration to “encourage” and “develop” small business growth, and to aid minorities and other disadvantaged peoples in securing loans and learning management techniques in 1953. In 1958, Congress passed into law the Small Business Investment Act to ensure a "fair proportion" of government contracts and sales of surplus property include privately operated small businesses.

Committee Action: S. 1082 was introduced by Senator Mary Landrieu (*D-LA*) on May 26, 2011. The Senate passed the bill by unanimous consent the same day. It has been referred to the House Committee on Small Business, which has taken no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A Congressional Budget Office (CBO) score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: There is no accompanying Constitutional Authority Statement with this Senate-passed bill.

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**S.Con.Res. 16 – Authorizing the Use of Emancipation Hall in the
Capitol Visitor Center for an Event to Celebrate the Birthday of King
Kamehameha (Akaka, D-HI)**

Order of Business: S.Con.Res. 16 is scheduled to be considered on Tuesday, May 31, 2011 under suspension of the rules requiring two-thirds majority vote for passage.

Summary: S.Con.Res. 16 authorizes the use of Emancipation Hall in the Capitol Visitor Center on June 5, 2011 to celebrate the birthday of Hawaii’s first King, King Kamehameha.

Additional Background: Also known as Kamehameha the Great, King Kamehameha conquered the Hawaiian Islands and formally established the Kingdom of Hawaii in 1810. King Kamehameha died in 1819.

Committee Action: S.Con. Res. 16 was introduced by Senator Akaka (D-HI) on June 10, 2011. The Senate passed this resolution by unanimous consent on June 11, 2011. It has been referred to the House Committee on Administration, yet no formal action has been taken.

Administration Position: There is no Statement of Administration Policy (SAP) with regard to this bill.

Cost to Taxpayers: No Congressional Budget Office (CBO) report has been issued for this resolution.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: House rules do not require Constitutional Authority Statements from sponsors of resolutions. Article I, Section 5, states: “*Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.*” [*emphasis added*].

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H.R. 1194 – To Renew the Authority of the Secretary of Health and Human Services to Approve Demonstration Projects Designed to Test Innovative Strategies in State Child Welfare Programs (*McDermott, D-WA*)

Order of Business: H.R. 1194 is scheduled to be considered on Tuesday, May 31, 2011, under a suspension of the rules motion which requires two-thirds majority vote for passage.

Summary: H.R. 1194 amends title XI of the Social Security Act to renew the expired waiver authority (that expired in 2006) of the Secretary of Health and Human Resources (HHS) to approve not more than 10 demonstration projects designed to test innovative strategies in state child welfare programs for fiscal years 2011 through 2016. Congress established child welfare demonstration projects in 1994 to allow HHS to waive certain program requirements, so states could test alternate ways to achieve federal child welfare policy goals. These waivers can only be approved by the Secretary of HHS if states can demonstrate that their proposed changes will be cost-neutral.

The bill makes other changes to the child welfare waiver program including:

- Expanding the types of demonstration programs the Secretary may consider when authorizing waivers – including programs that identify barriers resulting in delays of kinship guardianship, provide early intervention that reduces out-of-home placement and improves child outcomes, and identify and address domestic violence that endangers children resulting in foster care placement;
- Requiring the Secretary to look at the States ability to implement a corrective action when considering demonstration project applications if the state's child welfare program is not in compliance with part B (Child and Family Services) or E (Foster Care and Adoption Assistance) of title IV of the Social Security Act;
- Requiring that all states submitting an application must provide an accounting of additional Federal, State, local, and private investments made during the previous 2 fiscal years preceding the application, and an assurance that the State will provide an accounting for that same spending (including a comparison of the amounts invested, by service type) during the period of an approved demonstration project; and
- Expanding the definition of State, for the purposes of the Act, to include Indian Tribes.

Additional Background: H.R. 1194 is identical to a bill (H.R. 6156) that passed the House by voice vote on September 23, 2010 and was the subject of a Ways and means Human Resources Subcommittee hearing on July 29, 2010. According to the Committee on Ways and Means, 23 states have implemented one or more demonstrations and,

currently, there are seven states operating under an extended waiver including California, Florida, Illinois, Indiana, Ohio, Oregon, and Wisconsin.

Committee Action: H.R.1194 was introduced by Rep. Jim McDermott (*D-WA*) on March 17, 2011 and was referred to the Committee on Ways and Means and the Budget. The bill has not received any committee action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) cost estimate is available. However, the Committee on Ways and Means indicates that CBO has confirmed that this legislation has no cost, as waivers can only be approved if states demonstrate that changes will be cost-neutral.

Does the Bill Expand the Size and Scope of the Federal Government?: No

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: The Constitutional Authority Statement submitted into the Congressional Record upon introduction of this bill states: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the Constitution that grants Congress the authority, 'To make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.'" This "necessary and proper" congressional power can only be relied upon as a legitimate constitutional authority if connected to another explicit Article I, Section 8 enumerated power. The Sponsor of this legislation has failed to cite the enumerated power that Article I, Section 8, Clause 18 relies upon.

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